

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARLIN LUSTGRAAF, Plaintiff, vs. BRYAN S. BEHRENS, SUNSET FINANCIAL SERVICES, INC., Defendants.	8:08CV335 ORDER NUNC PRO TUNC
JEAN POOLE, Trustees of the Poole Family Trust; and DEE POOLE, Trustees of the Poole Family Trust; Plaintiffs, vs. BRYAN S. BEHRENS, SUNSET FINANCIAL SERVICES, INC., Defendants.	8:08CV399
MILO VACANTI, Plaintiff, vs. SUNSET FINANCIAL SERVICES, INC., BRYAN S. BEHRENS, Defendants.	8:08CV436
WILLIAM GREEN, JOANN GREEN, Plaintiffs, vs. SUNSET FINANCIAL SERVICES, INC., BRYAN S. BEHRENS, Defendants.	8:09CV13
MILO VACANTI, Plaintiff, vs. SUNSET FINANCIAL SERVICES, INC., BRYAN S. BEHRENS, Defendants.	8:09CV44

The court's prior order, (Filing No. 329), stated as follows:

5. If a party believes that an item in addition to those described in paragraph 4 should not be filed in both of these consolidated cases, the party must move for permission to file the item in only one of the cases. The motion must be filed in both of the consolidated cases using the spread text feature.

As applied the situation herein, where counsel in each of the cases is the same, this paragraph is erroneous.

Accordingly,

IT IS ORDERED:

- 1) Paragraph 5 of the court's prior order, (Filing No. 329), is set aside.
- 2) If a motion is specific to less than all of the consolidated cases (e.g., a motion to substitute a party), the attorneys may file the motion in only the case or cases which may be impacted by the court's ruling on the motion without prior leave of the court. To do so,
 - a. If the motion is to be filed in the lead case, 8:08-cv-00335-JMG-CRZ Lustgraaf v. Behrens et al, when filing the motion on CM/ECF, select the option "no" in response to the System's question of whether to spread the text. The motion will thereby appear on the docket of only 8:08-cv-00335-JMG-CRZ Lustgraaf v. Behrens et al. It will not appear on the docket of the member cases.
 - b. If the motion is to be filed in a member case, (8:08-cv-00399-JMG-CRZ, Poole et al v. Behrens et al; 8:08-cv-00436-JMG-CRZ, Vacanti v. Sunset Financial Services, Inc. et al; 8:09-cv-00013-JMG-CRZ, Green et al v. Sunset Financial Services, Inc. et al; 8:09-cv-00044-JMG-CRZ, Vacanti v. Sunset Financial Services, Inc. et al), file the motion under the case number of the member case using the normal procedure; that is, as if no "lead case" existed and the member case had never been consolidated with any other case. The motion will thereby appear on the docket of only the member case for which it was filed.

January 11, 2013.

BY THE COURT:

s/Cheryl R. Zwart
United States Magistrate Judge